



THE CITY OF NEW YORK
LAW DEPARTMENT

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August 12, 2022

VIA ECF

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Amaury Urena v. City of New York, et al., 22-CV-01189 (VEC)(KHP)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the above-referenced matter.¹ I write on behalf of defendant City to respectfully request that the Court grant a 30-day extension of time for the defendant City to answer, or otherwise respond to the complaint, as well as respond to the Court's Valentin Order, pursuant to the date of the termination of the stay on this matter. (See ECF No. 7). Additionally, defendant City requests the Court grant, *sua sponte*, a commensurate enlargement of time for Captain Pine and Captain Clarke to answer, or otherwise respond to the complaint. This is the first such request for an extension pending the stay on this matter. This office has not been able to ascertain the plaintiff's position on this matter as he is presently incarcerated.

By way of brief background, defendant City filed a motion to stay this action on July 5, 2022, as there is an ongoing, open DOC investigation into the underlying incident giving rise to this matter. The Court granted defendant City's motion, in part, until August 15, 2022, when a conference will take place. (See ECF No. 23). However, also due on August 15, 2022, is defendant City's answer to plaintiff's complaint, this office's response to the Court's Valentin Order, and Captain Pine's and Captain Clarke's answers to the plaintiff's complaint. (See ECF

¹ This case has been assigned to Assistant Corporation Counsel Victoria Carballo, who is presently awaiting admission to the Bar and is handling this matter under supervision. Ms. Carballo may be reached directly at (212) 356-5057, or by email at vcarball@law.nyc.gov.

Nos. 7, 12, 14, 17, 18). This office does not represent Captain Pine or Captain Clarke, at this time.

Accordingly, defendant City anticipates requesting the Court continue the stay at the August 15, 2022 conference, due to the ongoing DOC investigation, and is prepared to discuss as such with the Court and plaintiff during the conference. However, in consideration of the pending deadlines on August 15, 2022, and in order to not miss any such deadlines, defendant City requests a 30-day extension of time to answer the complaint and respond to the Court's Valentin Order, from the date of the termination of the stay, whenever that may be. Defendant City requests the Court grant the same, *sua sponte*, to Captain Clarke and Captain Pine, as well. In short, this extension will allow this office time to obtain and review the completed investigation documents from DOC and thus, allow this office to investigate the identity of the John Doe officer, subject to the Valentin Order, who is at the heart of the open DOC investigation. It is also necessary in order for this office to determine if representation of individual defendants is appropriate after the DOC investigation is closed and should any disciplinary consequences be issued.

In light of the aforementioned reasons, defendant City respectfully requests that the Court grant a 30-day extension of time for the defendant City to answer, or otherwise respond to the complaint, as well as respond to the Court's Valentin Order, pursuant to the date of termination of the stay on this matter. And that the Court grant, *sua sponte*, a commensurate enlargement of time for Captain Pine and Captain Clarke to answer, or otherwise respond to the complaint.

Thank you for your consideration herein.

Respectfully submitted,

/s/
John Schemitsch
Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**
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